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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 9/21/06

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 VIVIAN MICHELLE TITUS,

16 Defendant.
17

Case No. CR 06-00427 RMW

**SECOND STIPULATION AND
ORDER CONTINUING
FIRST APPEARANCE AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT, 18 U.S.C. § 3161,
ET SEQ.**

18
19 The United States of America, by its counsel Matt Harris, Assistant United States Attorney,
20 on the one hand, and Vivian Michelle Titus, by her counsel Mary McNamara, on the other hand
21 (hereinafter, jointly referred to as “the parties”), seek a continuance of the first appearance before this
22 court from the currently-scheduled date of August 28, 2006 to the specially-set date of October 5,
23 2006 for purposes of allowing sufficient preparation by the defense. The parties stipulate that the
24 Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and § 3161(h)(B)(iv),
25 from the time in which trial in this matter must be had in order to permit the defense reasonable time
26 to review the discovery that has been produced and sufficient time to prepare. The course of
27 proceedings conducted in this case thus far is set forth in the following paragraphs.

28 1. On June 19, 20006, Vivian Michelle Titus made her initial appearance before

Magistrate Lloyd on a six count indictment charging her with three counts of bank fraud, in violation of 18 U.S.C. § 1344(2) and three counts of embezzlement, in violation of 18 U.S.C. § 656. At that time, Magistrate Lloyd set the initial appearance date before this court for July 17, 2006 and excluded the time between June 19 and July 17, 2006 from the time in which trial in this matter must commence under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*

2. On June 23, 2006, the defense received initial discovery from the government.

3. The court previously has signed a stipulated order continuing the first appearance from July 17, 2006 to August 21, 2006 on the basis of the defense need to prepare, and, in that order, the Court excluded the time between July 17, 2006 to August 21, 2006 from the time in which trial in this matter must commence under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* On August 2, 2006, the Court *sua sponte* moved the appearance from August 21, 2006 to August 28, 2006.

4. The defense requires additional time to review the discovery and prepare its plan for how it will proceed with this case. The United States has no objection to the defense request for additional time.

5. Accordingly, the parties stipulate that the matter be continued on the Court's calendar from August 28, 2006, to the specially-set date of October 5, 2006 for a status appearance and that the time from August 28, 2006, to October 5, 2006 be excluded from the time in which trial in the matter must be had, pursuant to the provisions of 18 U.S.C. § 3161(h)(8)(A) (interests of justice in permitting defense additional time to review discovery) and § 3161(h)(B)(iv) (permitting defense counsel reasonable time for effective preparation).

IT IS SO STIPULATED:

DATED: August 25, 2006

/s/ Matt Harris

Matt Harris
Assistant United States Attorney

DATED: August 25, 2006

/s/ Mary McNamara

Mary McNamara
SWANSON, McNAMARA & HALLER LLP
Attorneys for Vivian Michelle Titus

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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SPEEDY TRIAL ACT, 18 U.S.C. § 3161,
ET SEQ.**

Based on good cause shown, and the stipulation of the parties, the Court enters the following orders:

(a) The matter is continued on the Court's calendar from August 28, 2006, to September 18, 2006 , at 9:00 a.m. for a status appearance, and

(b) the time from August 28, 2006, to the specially-set date of October 5, 2006 is excluded from the time in which trial in the matter must be had, pursuant to the provisions of 18 U.S.C. § 3161(h)(8)(A) (interests of justice in permitting defense additional time to review discovery) and § 3161(h)(B)(iv) (permitting defense counsel reasonable time for effective preparation).

IT IS SO ORDERED .

DATED: 9/21/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge